

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Concepts NREC, LLC,

Plaintiff,

v.

Xuwen Qiu, TurboTides, Inc., and Hong Ying
Zhang,

Defendants.

Civil Action No. 5:20-cv-00133-gwc-kjd

ORDER

On January 18, 2023, the Court denied Plaintiff Concepts NREC, LLC's (Concepts) Cross-Motion to Find Hefei Taize Turbine Technology Company, Ltd. (Hefei Taize) and Defendant Xuwen Qiu in Contempt, Concepts' Cross-Motion to Impose Discovery Sanctions, and nonparty Hefei Taize's Motion to Quash for Lack of Personal Jurisdiction. (Doc. 183.) The Court ordered Hefei Taize to comply with Concepts' Rule 45 subpoenas within thirty days of that order. (*Id.*) On January 26, 2023, Concepts filed a Motion to Modify the Discovery Schedule/Order, in which it proposed a discovery schedule and trial-ready deadlines. (Doc. 185.) At that time, Concepts represented that there was "fundamental agreement on the schedule" among Concepts, Defendants, and Hefei Taize, but that "final approval sufficient to allow [the] motion to be filed as 'stipulated' ha[d] not yet been received" by Plaintiff's counsel. (*Id.* at 1.)

After a January 27, 2023 status conference, the parties agreed on discovery deadlines, and the Court requested that the parties file an amended discovery schedule. (Doc. 186.) However, the parties were unable to agree on an amended discovery schedule, resulting in Plaintiff and

Defendants filing separate discovery schedules. (*See* Docs. 187, 188.) On February 2, 2023, Hefei Taize filed objections to the Court's January 18, 2023 Order, and on February 7, 2023 requested a stay of the Order. (Doc. 189, 190.)

On February 7, 2023, the Court issued a Discovery Schedule/Order adopting the dates previously agreed upon by the parties. (Doc. 191.) Because Hefei Taize's objections were pending before Chief Judge Crawford, the Discovery Schedule/Order excluded dates by which Hefei Taize was to submit to deposition and produce documents. (*Id.*) The Order further noted that an amended discovery schedule/order would issue as to Hefei Taize in the event that Chief Judge Crawford overruled Hefei Taize's objections and the January 18, 2023 Order remained in effect. (*Id.*) On February 8, 2023, Concepts filed a Motion for Reconsideration of the Court's Discovery/Schedule Order and a Motion to Stay All Case Management Deadlines Until the Hefei Taize Appeal Is Decided. (Doc. 193.) The Court granted Concepts' Motions, and ordered all case management deadlines stayed until resolution of Hefei Taize's objections. (Doc. 195.) On March 22, 2023, Chief Judge Crawford issued an Opinion and Order overruling Hefei Taize's Objection to the January 18, 2023 Order and denying Hefei Taize's Motion to Stay the Order as moot. (Doc. 197.)

The parties are therefore ORDERED to file an amended discovery schedule within ten days of this Order. The parties shall advise the Court if they are unable to agree on a discovery schedule. In the event that a stipulated discovery schedule is not filed within ten days of this Order, the matter will be set for a status conference.

Dated at Burlington, in the District of Vermont, this 3rd day of April 2023.

/s/ Kevin J. Doyle
Kevin J. Doyle
United States Magistrate Judge